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UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

United States of America,

Plaintiff,

v.

Civil No. 07CV019-B

Jane Joyce Rice; Water Garden, Inc.;
Perpetual Legacy Corp., Carte Blanche
Trust; & Newport Pacific Trust Co.,
Ltd.;

Defendants.

MOTION TO EXCUSE UNITED STATES ATTORNEY'S OFFICE
FROM APPEARING AT THE HEARING SCHEDULED FOR JANUARY 4, 2008

The United States, by and through the Acting United States Attorney for the District of Wyoming, and Assistant United States Attorney Nicholas Vassallo, in accordance with U.S.D.C.L.R. 83.12.2(e), respectfully moves the Court for an order excusing the United States

Attorney's office from appearing at the hearing scheduled for January 4, 2008 in this matter. The grounds for this motion are the following:

1. This is a civil action brought by the United States of America to reduce to judgment federal tax assessments against Defendant Jane Joyce Rice ("Jane Rice") and to foreclose federal tax liens against property identified in the Complaint.

2. The lead attorney for the United States is Michael G. Pitman, a Trial Attorney with the Tax Division of the U.S. Department of Justice in Washington. He is not a member of the Wyoming Bar. In accordance with U.S.D.C.L.R. 83.12.2, he has been admitted *pro hac vice*, and he appeared as lead counsel for the United States at the hearing held on June 4, 2007.

3. Because Mr. Pitman is appearing *pro hac vice*, U.S.D.C.L.R. 83.12.2(e) requires that an attorney from the United States Attorney's Office for the District of Wyoming also be present at hearings. Those requirements have thus far been satisfied by Assistant United States Attorney Nicholas Vassallo, who has entered an appearance, obtained an order admitting Mr. Pitman *pro hac vice*, and appeared with Mr. Pitman at the June 4, 2007 hearing.

4. On December 5, 2007, this Court set a hearing for January 4, 2008, on "Defendant's Objection to and Motion to Reconsider the Denial of Defendant's Amended Motion to Quash and All other pending motions timely filed by the parties."

5. Mr. Pitman will appear at the hearing for the United States. AUSA Vassallo, however, will be outside of the continental United States, and the other two Civil AUSAs in the District are also unavailable.

6. U.S.D.C.L.R. 83.12.2(e) provides that, with the Court's permission, the required appearance of the United States Attorney's Office may be excused.

7. Mr. Pitman is the government attorney who is most familiar with the case and he is fully capable of representing the interests of the United States at the hearing.

For the foregoing reasons, the United States respectfully requests that the Court enter an order excusing the United States Attorney's Office from appearing at the hearing on January 4, 2008.

Respectfully submitted this 27th day of December, 2007.

JOHN R. GREEN
Acting United States Attorney

By: _____
NICHOLAS VASSALLO
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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing **MOTION TO EXCUSE UNITED STATES ATTORNEY'S OFFICE FROM APPEARING AT THE HEARING SCHEDULED FOR JANUARY 4, 2008** has been made this 27th day of December, 2007, by placing a copy in the United States Mail addressed to the following:

Jane Joyce Rice
9 Pleasant Valley Lane
Sheridan, Wyoming 82801

Melody Morse
Office of the United States Attorney